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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,354	08/05/1999	ROBERT R. BUCKLEY	103044	5438

7590 12/17/2002

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/368,354	BUCKLEY ET AL.
	Examiner Madeleine AV Nguyen	Art Unit 2622

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 29 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a)  The period for reply expires \_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: \_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). \_\_\_\_.

10.  Other: \_\_\_\_.



Madeleine AV Nguyen  
Primary Examiner  
Art Unit: 2622

## DETAILED ACTION

This communication is responsive to response filed on November 29, 2002.

### *Response to Applicant's Remarks*

1. Applicant remarks that Borg fails to disclose “generating information that designates the overmarked pixels”. Further, Borg fails to discloses “modifying image data of the overmarked pixels in the raster image” as claimed in claims 1 and 10.

As stated in the rejection, the overmarked pixels are the pixels having the foreground color combined with the background color. Thus, the generating of information that designates the overmarked pixels is the generation of the image file 110 from computer 105 which includes structures that incorporate blending information and instruction that operate on this information (col. 2, line 42 – col. 3, line 4). Borg further teaches blending process (Fig.2) which “takes a foreground object 200 having associated blend information, and a background object 205 and combines them in accordance with a specified blend function 210 to generate a blended object 215. The blended object 220 can be considered as a final object (e.g., image), or treated as the foreground or background object in a subsequent blending operation. A new image type, referred to as a “blend image”... “ (col. 3, line 57 – col. 4, line 2). Thus the blending process modifies image data of the overmarked pixels in the raster image as claimed in claims 1 and 10. Furthermore, Borg defines blending as “The process of combining a foreground color and a background color to create a third color which can create the appearance of translucency. The resulting color is a function of the foreground color, the background color, the blend mode, and

Art Unit: 2622

the foreground object's opacity characteristics" (col. 3, lines 20-25). Therefore, Borg teaches the features of "generating information that designates the overmarked pixels" and "modifying image data of the overmarked pixels in the raster image" as claimed in claims 1 and 10.

***Conclusion***

2. Applicant's arguments filed on November 29, 2002 have been fully considered but they are not persuasive.
3. The final rejection of claims 1-22 is maintained.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



AV  
December 13, 2002

Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2622